

EXHIBIT “B”

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.

4 02-CV-3830

5 BOARHEAD FARM AGREEMENT Judge Legrome D. Davis
6 GROUP,

7 Plaintiff, Oral Deposition of:

8 vs. Leonard Wolberg

9 ADVANCED ENVIRONMENTAL TECHNOLOGY
10 CORPORATION; ASHLAND CHEMICAL
11 COMPANY; BOARHEAD CORPORATION;
12 CARPENTER TECHNOLOGY CORPORATION;
13 CROWN METRO, INC.; DIAZ CHEMICAL
14 CORPORATION; EMHART INDUSTRIES,
15 INC.; ETCHED CIRCUITS, INC.; FCG,
16 INC.; GLOBE DISPOSAL COMPANY, INC.;
17 GLOBE-WASTECH, INC.; HANDY & HARMAN
18 TUBE COMPANY, INC.; KNOLL, INC.;
19 MERIT METAL PRODUCTS CORPORATION;
20 NOVARTIS CORPORATION; NRM INVESTMENT
21 COMPANY; PLYMOUTH TUBE COMPANY;
22 QUIKLINE DESIGN AND MANUFACTURING
23 COMPANY; RAHNS SPECIALTY METALS,
24 INC.; ROHM & HAAS COMPANY, SIMON
25 WRECKING COMPANY, INC.; TECHALLOY
 COMPANY, INC.; THOMAS & BETTS
 CORPORATION; UNISYS CORPORATION;
 UNITED STATES OF AMERICA
 DEPARTMENT OF NAVY,
 Defendants.

18 * * * * *

19 Tuesday, November 23, 2004

20 * * * * *

21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:00 a.m.

25 Certified Shorthand Reporting Services

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10 A. RICHARD STEFANOWICZ		10
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1 (L E O N A R D W O L B E R G, having been duly 2 sworn, was examined and testified as follows:) 3 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES:) 4 Q. State your name, for the record, please. 5 A. Leonard Wolberg. 6 Q. I'm Marc Davies and I'm just going to 7 give you a couple instructions about the deposition. 8 Have you been deposed before? 9 A. Years ago. 10 Q. Well, I'll just go over the general 11 rules. 12 MR. CHAWAGA: It was very easy for me 13 to hear and then the deposition starts and you all 14 start whispering. Whatever level you were doing 15 there before the dep started would be fine. 16 BY MR. DAVIES: 17 Q. Well, first your testimony is sworn 18 testimony so that means it's basically the same thing 19 as if you're speaking in court. You need to -- 20 carries the same weight. Please make sure your 21 responses are verbal so that the court reporter can 22 take them down and loud enough so they can hear you. 23 Basically what that means is if you nod your head or 24 give an um-hum that doesn't work quite as well for 25 us.	1 your education. How far did you go in school? 2 A. MBA. 3 Q. Where did you get that from? 4 A. Wharton. 5 Q. And where did you go undergrad? 6 A. Small college called Cooper Union. 7 Q. Oh, in New York City? 8 A. Yes. You know it? 9 Q. Yeah, sure. 10 A. Oh. 11 Q. And when did you graduate from college? 12 A. Mid-'60s. 1965. 13 Q. And how about your MBA? 14 A. I'm sorry, that's when I got the MBA. I 15 was in Wharton for two years. 16 Q. Okay. And could you just tell me a 17 little bit about the job you had before you came to 18 Merit Metals? 19 A. It was a position, an executive position 20 in the corporate office of Babcock & Wilcox Company. 21 Q. And when did you start working at Merit 22 Metals? 23 A. 1978. 24 Q. And who hired you? 25 A. Mel Silverman.
Page 7	Page 9
1 It's also important that we have just 2 one person speaking at a time. Often if you hear me 3 asking a question and before I get to the end you 4 pretty much know what you're going to say, it's easy 5 to sort of break in but we'd appreciate it if you 6 would just wait for the question to be over and then 7 also if someone wanted to put in some objection, they 8 can make their objection and then you can give your 9 statement. 10 And I have to ask you this, I've asked 11 other people, but have you taken any drugs or 12 medication or anything in the last 24 hours that 13 might impact your ability to testify today? 14 A. I take ten drugs in the morning for my 15 medical conditions. Some of them may affect my 16 ability to remember things or concentrate. I'll do 17 my best. 18 Q. Okay. Well, we won't get into that, 19 that's fine. 20 A. Yeah. 21 Q. What's your address? 22 A. 1230 Gant Drive, Huntington Valley. 23 Q. And what's your date of birth? 24 A. 8/26/42. 25 Q. I'll just ask you a little bit about	1 Q. And do you recall what you were hired to 2 do, what your job description was? 3 A. His assistant kind of activities, 4 helping with certain projects that he had. 5 Q. Do you recall what kind of projects? 6 It's a long time ago. 7 A. I don't, I don't. 8 Q. If you recall when you first started to 9 think about maybe purchasing Merit Metals? 10 A. I would say around that time, little bit 11 before that time we seriously thought about 12 purchasing the company ultimately. 13 Q. So a little bit before the time you 14 actually purchased it? 15 A. Right, yes. 16 Q. And you purchased it, it was in 1980? 17 A. Well, we started with a minority 18 position and then we went to a larger position and 19 then finally a majority position and then the 20 company, but I cannot remember at what point we did 21 what. 22 Q. Can you remember about how long after 23 you started in 1978 you started buying a partial 24 position in the company? 25 A. I think it was when I started with the

<p style="text-align: right;">Page 10</p> <p>1 company that we purchased a small percentage of the 2 company. 3 Q. Can I just ask why you were looking to 4 purchase the company, I mean why it seemed like a 5 good idea at the time? 6 A. My associate and I felt we wanted to 7 have our own business, we had worked for large 8 corporations and we looked around and this was one 9 that we felt was in a rather desirable geographic 10 area so we wouldn't have to move too far, it was the 11 kind of business we thought we could handle and the 12 owner of the business thought that yes, if things 13 worked out he would sell it, so. 14 Q. How long had you known the other, your 15 associate, I assume you mean Len Sayles? 16 A. Yes, since graduate school. We met in 17 graduate school. 18 Q. Now, I guess when you were negotiating 19 over the final sale of the company, did the issue of 20 liability come up as far as who was going to take, 21 you know, any past or future liability for lawsuits 22 whether that was going to stay with Mel Silverman or 23 stay with you? 24 A. I don't remember at all that specific 25 negotiation. I would expect that we would have been</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes. 2 Q. And I've also seen a couple different 3 types of customers that you produced this hardware 4 for. 5 A. Right. 6 Q. Just let me know if this is correct. 7 A. Yes, that's correct. 8 Q. I've seen marine? 9 A. Yes. 10 Q. Then what else have I seen? Decorative? 11 A. Yes. 12 Q. And then government for -- 13 A. Yes. 14 Q. Can you just sort of describe what each 15 one is? 16 A. The decorative side of the business was 17 to hardware distributors and resellers. By 18 decorative meant homes, offices, buildings. The 19 government side of the business was mostly the Navy, 20 the marine side of things. And, of course, the 21 marine, speaks for itself, yachts and sailboats and 22 that type of thing. 23 Q. And what products were you actually 24 selling? 25 A. Oh, hinges, locks, pulls, builders'</p>
<p style="text-align: right;">Page 11</p> <p>1 sure that liabilities that he caused stayed with him 2 but I've got to tell you I don't remember that 3 matter. 4 Q. Do you remember the exact name of the 5 company that you purchased? 6 A. No. No, I don't. 7 Q. Do you recall whether you purchased sort 8 of everything associated with the company, the land, 9 the building, production equipment, the customer 10 lists, sort of everything? 11 A. I remember that there was confusion. I 12 do not remember at that point exactly what it was. 13 Q. Do you recall what the confusion was 14 over? 15 A. No. I don't remember but I remember 16 that that matter was up in the air to a degree. 17 Q. Do you recall whether you notified 18 customers of the change in ownership? 19 A. I don't remember. 20 Q. Let's talk a little bit about the 21 products themselves. 22 A. Yes. 23 Q. I've seen the term brass hardware? 24 A. Yes. 25 Q. Was that essentially what you produced?</p>	<p style="text-align: right;">Page 13</p> <p>1 hardware items. 2 Q. And what about for the homes, the same 3 kind of thing, hinges? 4 A. Same thing, same products. 5 Q. Can you describe a little bit, if you 6 recall, what the production process was for making 7 these products? 8 A. Yeah. There was a casting foundry, then 9 the product was machined. 10 Q. Okay, what is that, what does that mean? 11 A. It could have been drilled, it could 12 have been milled, it could have been ground. All of 13 those machining type processes. Then it was 14 polished, those products that were ordered polished 15 were polished. And a plate was put on some small 16 percentage of them. 17 Q. And what happened in that casting 18 foundry, just describe that, I have no idea what that 19 is? 20 A. Oh, you would take brass ingot and it 21 would get melted and then you would pour the melted 22 brass into a mold and it would cool and you would 23 open it and take out the product, the finished 24 product. 25 Q. And what did that product look like</p>

<p>1 after it came out; was it shiny or flat?</p> <p>2 A. No, it was -- it was quite bad looking</p> <p>3 and it had what -- it had protrusions from the mold</p> <p>4 itself and that's where you would have to grind</p> <p>5 against the surface to get the shape of the product</p> <p>6 that you wanted. That was the first operation, the</p> <p>7 machining operation of grinding. But it was not</p> <p>8 polished at all at that point.</p> <p>9 Q. Did you use any lubricants for the</p> <p>10 grinding operation?</p> <p>11 A. I don't remember. I do not remember.</p> <p>12 Q. What about the polishing operation, what</p> <p>13 did you use to polish?</p> <p>14 A. It went to machining before it went to</p> <p>15 polishing.</p> <p>16 Q. Right.</p> <p>17 A. Do you want to hear about that?</p> <p>18 Q. Sure I do. Thank you.</p> <p>19 A. The machining operation --</p> <p>20 Q. Do you want some water, I'm sorry?</p> <p>21 A. No, I'm fine, thank you. I'll get some</p> <p>22 if I need it.</p> <p>23 Q. Go ahead.</p> <p>24 A. In the machining operation that is where</p> <p>25 lubricants were used at times. And that might be to</p>	<p>Page 14</p> <p>1 that came up fairly recently in our discussions and</p> <p>2 what we estimated was approximately three percent of</p> <p>3 the sales got this plating operation and we did that</p> <p>4 by estimating the amount of people that we had and</p> <p>5 the return on sales and then the amount that was used</p> <p>6 for plating. So I can answer that because that's</p> <p>7 something that we looked at fairly closely over the</p> <p>8 last few months.</p> <p>9 Q. Right. Well, just switching for a</p> <p>10 second away from sales. If you just looked at, let's</p> <p>11 say, number of products itself, would the percentage</p> <p>12 of the number of products that you produced be</p> <p>13 different than perhaps the percentage of sales, you</p> <p>14 know, like if you produce a hundred products and sold</p> <p>15 them each for a dollar and three had the plating,</p> <p>16 then that's three percent?</p> <p>17 A. I would say for quite sure that the</p> <p>18 percentage of sales was higher than it would have</p> <p>19 been for the percentage of products because these</p> <p>20 were the more extensive items. People that wanted</p> <p>21 that chrome plate knew they would have to pay more so</p> <p>22 that was a higher percentage of sales.</p> <p>23 Q. Let's go back to the mechanical drilling</p> <p>24 for a second that you were talking about --</p> <p>25 A. Okay.</p>
<p>1 drill a hole in a lock, for example, so you could</p> <p>2 put -- tap it and put screws in it as an example.</p> <p>3 Other machining operations might mill a hole in a</p> <p>4 piece, for some reason or other, let's say something</p> <p>5 had fit into it in an assembly. And that's what was</p> <p>6 done on that operation. And then it was moved to the</p> <p>7 polishing operation where they had brushes and wheels</p> <p>8 and you would hold the product against it and that</p> <p>9 would brighten it up and make it look attractive and</p> <p>10 then it was assembled in one way or another and</p> <p>11 shipped.</p> <p>12 Q. And you also mentioned plating, what was</p> <p>13 the plating?</p> <p>14 A. Right, for some operations there would</p> <p>15 be a plate put on it, a chrome plate put on it and</p> <p>16 that was a minority of the items but some customers</p> <p>17 wanted that chrome look to it and that's what we</p> <p>18 would do in our plating room.</p> <p>19 Q. And what kind of products would get this</p> <p>20 chrome plate?</p> <p>21 A. Perhaps a hinge.</p> <p>22 Q. And you mentioned a minority, do you</p> <p>23 have any idea about how many of the products would</p> <p>24 get a plate, ten, 50, a hundred percent?</p> <p>25 A. I knew simply because that was a matter</p>	<p>Page 15</p> <p>1 Q. -- using lubricant.</p> <p>2 A. Right.</p> <p>3 Q. Do you recall what types of lubricants</p> <p>4 you were using?</p> <p>5 A. Oil. A basic oil. I forgot the grade</p> <p>6 of oil but everyone uses the same, the same oil for</p> <p>7 lubricating products and we used that oil. Brass is</p> <p>8 a rather easy metal to cut compared to, let's say,</p> <p>9 steel, which is much harder to cut, so there would be</p> <p>10 a minimum amount of this lubricant compared to places</p> <p>11 that drilled iron and steel and all these other</p> <p>12 things.</p> <p>13 Q. And do you recall where the oil would be</p> <p>14 stored, let's say right before you were going to use</p> <p>15 it?</p> <p>16 A. Probably -- well, this kind of oil -- do</p> <p>17 I remember exactly, no. Probably in a container on a</p> <p>18 shelf that we would then set up on the machine to</p> <p>19 have the oil flow in and then catch it and, of</p> <p>20 course, reuse it again. It's that type of an</p> <p>21 operation. Probably in quart containers of some</p> <p>22 kind, plastic or...</p> <p>23 Q. And do you recall just for time frame</p> <p>24 purposes when you started working, your first couple</p> <p>25 of years, do you recall what you did with the oil,</p>

Page 18

1 the waste oil, let's say, when you were done using
 2 it?
 3 A. No. I don't even remember seeing waste
 4 oil, the machining oil because it was used over and
 5 over and over again there would be no reason not to,
 6 it doesn't get decomposed.

7 Q. Let's just go back to the time frame
 8 again of basically right when you started. You said
 9 that you were working as an assistant for Mel
 10 Silverman helping him with projects, et cetera, do
 11 you recall, let's say, was there like a secretary
 12 when you walked in the door kind of thing?

13 A. I'm sure there was.

14 Q. Do you remember who that was?

15 A. No, I do not. That's a long time ago.

16 Q. Could you -- I'm just trying to think if
 17 it would be helpful, do you recall well enough the
 18 layout of the facility that you could perhaps just
 19 draw it for me?

20 A. When I first came there?

21 Q. Yes.

22 MR. CHAWAGA: Let me just -- go off
 23 the record.

24 (Off-the-record discussion.)

25 THE WITNESS: It was changed over the

Page 20

1 to where is the -- well, I could do that to a degree.

2 Q. Okay. Well, since we have that, you
 3 want to just take a look at this drawing here?

4 A. Sure.

5 Q. It looks like there's a bunch of areas
 6 that are already marked A, B, C, D, et cetera.

7 MR. DAVIES: Thanks, Steve.

8 THE WITNESS: Where's the entrance?

9 This is the entrance here.

10 MR. STEFANOWICZ: You want me to help
 11 you with that?

12 THE WITNESS: Would you, Rich, I would
 13 appreciate that. Would you orient me first towards
 14 the entrance?

15 MR. STEFANOWICZ: Here's the offices.
 16 This is the, you know, this was the plating
 17 operation. Foundry is back here.

18 THE WITNESS: Okay. And, of course,
 19 the foundry is here. Production.

20 BY MR. DAVIES:

21 Q. Hold on. Let me just slow you down for
 22 a second so that she'll be able to take it down.

23 A. I'm sorry.

24 Q. No, no, it's really for me so I can
 25 remember it later.

Page 19

1 years.

2 MR. CHAWAGA: We have brought with us
 3 a schematic of the floor of the facility. What's the
 4 date of the --

5 MR. STEFANOWICZ: Back when -- back in
 6 his time.

7 MR. CHAWAGA: That was produced when
 8 we met with a mediation with Judge Kahn. I don't
 9 think you were there, Marc. Glenn was there. It's
 10 something that the Boarhead Farm folks have seen
 11 before. It's available if you want to make use of
 12 it.

13 MR. DAVIES: Thank you.

14 THE WITNESS: All I could say to you is
 15 that we moved desks so many times as someone got some
 16 help and someone didn't that I really don't remember
 17 the layout of desks when I started working there, no
 18 way.

19 BY MR. DAVIES:

20 Q. Okay. Well, I wasn't thinking so much
 21 about the desks as much as the sort of the production
 22 equipment and what was, you know, what was where,
 23 where did you do the production and that kind of
 24 thing?

25 A. You mean where is the foundry compared

Page 21

1 So you're walking into an area that
 2 seems to be marked B and that's the office area?

3 MR. STEFANOWICZ: No, no. Don't
 4 reference these letters. Nobody knows what they are.
 5 I mean I don't know what they are. You may know.

6 THE WITNESS: I have no clue.

7 MR. STEFANOWICZ: Nobody knows what the
 8 letters are.

9 BY MR. DAVIES:

10 Q. I'll just use them for convenience so we
 11 can know --

12 MR. STEFANOWICZ: Well, they don't mark
 13 any areas. This is not an identifiable area in the
 14 plant, we don't know what they are. You have to go
 15 based --

16 MR. MIANO: Why don't you establish
 17 whether he's seen this map and whether he's familiar
 18 before we go there.

19 MR. DAVIES: I'm trying.

20 MR. STEFANOWICZ: Just to help Len out.

21 THE WITNESS: Nor have I seen this map,
 22 nor I do know what these letters are. But I can tell
 23 from this where things are.

24 BY MR. DAVIES:

25 Q. Well, what I'd like to do then, if you

Page 22

1 don't mind, just taking a look at it for a minute so
 2 you orient yourself just to have you sort of draw for
 3 me --

4 A. Sure.

5 Q. -- how it looked to your recollection.

6 A. I can do that.

7 Q. So just take a minute and look at it.

8 A. So we're coming in here, this is office
 9 right here. Now, we have in here the production
 10 area. That's that machining area that I told you
 11 about.

12 Q. Okay.

13 A. And some assembly was done in this area
 14 too. Exactly where, I don't know. But somewhere in
 15 that area. Okay. Now, here's the foundry. That I
 16 know for sure. That's in the back over there.
 17 That's where we did that casting of the brass. This
 18 is where we had the plating room, one of these two
 19 areas in here, I don't remember exactly where, but I
 20 know it was on that side of the building.

21 Q. Can you tell me which side that is,
 22 east, west? Is there something there that says that?

23 A. Can I ask Rich for help on this one?

24 Q. That's fine with me.

25 THE WITNESS: Rich, can you tell what

Page 24

1 have the actual map, but it's not my deposition.

2 BY MR. DAVIES:

3 Q. You can go ahead and do it, if you could
 4 just start with were you walk in.

5 MR. MIANO: That's fine.

6 THE WITNESS: This is the front of the
 7 building. This is where you walk in. Now, this is
 8 the side. And the building was this way, side here,
 9 foundry. Okay. That's the building. This is the
 10 office area here.

11 BY MR. DAVIES:

12 Q. Do you want to just put a little "O"
 13 there for the office?

14 A. I'll put "office".

15 Q. I'm sorry, was your office within that
 16 office area?

17 A. Yes.

18 Q. And --

19 A. My office was first here and then there
 20 and there --

21 Q. Okay.

22 A. -- et cetera. So this is the foundry.

23 Q. And that's marked with a "foundry"?

24 A. "Foundry."

25 Now, this is the machine area.

Page 23

1 direction is which?

2 MR. STEFANOWICZ: Well, this is Valley
 3 Road out here so north is that way.

4 THE WITNESS: So that's north. That's
 5 south.

6 MR. STEFANOWICZ: You referenced the
 7 plating operation, this is the plating operation,
 8 you --

9 MR. CHAWAGA: You'll have your chance
 10 later.

11 THE WITNESS: Southwest. That's
 12 southwest.

13 BY MR. DAVIES:

14 Q. Okay.

15 A. That's basically it.

16 Q. And do you recall -- well, I think --
 17 actually let's just take that away, it would be
 18 helpful for me if you could just draw it as best you
 19 can and then we can sort of label the different
 20 places so that the court reporter can sort of take it
 21 down.

22 A. Okay, it wouldn't be as good as that.

23 (Objection) MR. CHAWAGA: I was going to say I'm
 24 just going to impose an objection to having the
 25 witness hand draw a representation of a map where we

Page 25

1 Q. And you wrote "machine".

2 About how many people do you recall
 3 when you, let's say, started working worked in the
 4 machine area? Even just a roughest estimate.

5 A. Roughest, guess, 30. Oh, just in the
 6 machine area?

7 Q. Yes.

8 A. I have no idea.

9 Q. And 30, is that the number of people
 10 that worked there about when you started?

11 A. Oh, yeah.

12 Q. Did that number change much over the
 13 period that you partly owned the company?

14 A. Yeah. Oh, yeah. Yeah. It grew
 15 considerably. There may have been more than 30 to
 16 start, maybe even 40. Because we got -- we added
 17 more people but we also got more efficient. So sales
 18 went up very significantly, you know, maybe three or
 19 four times, but we didn't add that many people.
 20 Okay, so that's machine. Now, plating was down here.

21 I remember that mostly because we've been talking
 22 about it.

23 Q. And you wrote a "PL" there?

24 A. Right. Now, this was the area where the
 25 shipping was done.

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1 Q. You wrote "ship" there?
 2 A. "Ship". And --
 3 Q. Was there a loading dock or a loading
 4 area?
 5 A. Yes. Here because that's where we
 6 shipped out.
 7 Q. And did you have -- well, how many
 8 people were working in shipping, if you recall?
 9 A. I don't. I don't recall the various
 10 department numbers, I'm sorry.
 11 Q. Do you remember any of the people that
 12 worked in shipping?
 13 A. I could see some faces, I do not
 14 remember names at that point.
 15 Q. What about the plating, what machines
 16 were used for plating?
 17 A. Well, we didn't have machines, just a
 18 couple of tanks. We had two tanks.
 19 Q. And what did -- just describe the
 20 process.
 21 A. Well, what they would do would be to
 22 load a rack with the material to be plated and they'd
 23 put it in the first tank and get done, you know,
 24 whatever it did and then they would take it and put
 25 it in the second tank and then they would let it dry

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Page 29

1 and that would be it. At that point it would have
 2 the plate on it.
 3 Q. And what was the purpose for having two
 4 tanks?
 5 A. Because you had to do one operation at a
 6 time. I believe the first one was a nickel operation
 7 and the second one was the chrome.
 8 Q. Do you recall what the materials, you
 9 had said the nickel and then a chrome --
 10 A. Yeah.
 11 Q. -- do you know sort of where you
 12 purchased the materials?
 13 A. No. Sorry. I do not remember.
 14 Q. How about what you would do with the
 15 nickel or chrome after it was used, did you try to
 16 reuse it like with the oils?
 17 A. There was a very, very slow usage of
 18 that and I can't even remember having to replace it
 19 frankly over the years. But as we've said in the
 20 past, there was some disposal of it to a very small
 21 degree. Because they were very small tanks.
 22 Q. Now, do you recall who handled the
 23 disposal when you started, let's say?
 24 A. No way.
 25 Q. And do you remember who did the plating

1 work when you arrived?
 2 A. The individuals?
 3 Q. Yes.
 4 A. No.
 5 Q. Is there anyone that worked in the
 6 facility that you recall the name of?
 7 A. No. Absolutely not. Not at that point,
 8 no.
 9 Q. At any time while you were part owner of
 10 the facility, do you remember any of the people that
 11 worked there?
 12 A. No. Part owner?
 13 Q. Well, I'm assuming that you never were
 14 the -- I'm just using that term when you bought the
 15 company, you bought it with Len Sayles so --
 16 A. Right.
 17 Q. -- when you two were there.
 18 A. Of course, in the much later years,
 19 before we sold the company, I can remember some of
 20 the first names of some of the guys for example.
 21 James, James was a production guy. Frederick was
 22 another production guy. A guy in the foundry, I used
 23 to know him because I would bum a cigarette from him.
 24 That I remember bumming the cigarette, trying to stop
 25 smoking and sneaking into there to bum a cigarette.

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1 Q. I didn't want to get you in trouble with
 2 anyone.
 3 MR. MIANO: Give his wife this
 4 deposition.
 5 THE WITNESS: It would take time for me
 6 to...
 7 BY MR. DAVIES:
 8 Q. Now, were any of these gentlemen, do you
 9 know if they continued to work for the company after
 10 you sold it?
 11 A. I don't know. I don't know.
 12 Q. Was there anyone else who you remember,
 13 besides those two or three?
 14 A. No.
 15 Q. Do you recall ever hearing about or
 16 being involved with a, I guess a process or a liquid
 17 called pickle liquor?
 18 A. Pickle liquor?
 19 Q. Yes.
 20 A. No. I won't be a smart you know what
 21 and talk about pickles, no.
 22 Q. How about a solvent, do you recall
 23 whether you used any solvents in the operation to
 24 clean any of the metals or for any purpose?
 25 A. Yes. We did use solvents. I can't

8 (Pages 26 to 29)

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1 remember exactly the names of them but we did use the
 2 solvents in a vapor degreaser before we polished
 3 them. Actually, this was machine and polish and
 4 assemble to be more exact.

5 Q. So where would the vapor degreaser be in
 6 that room?

7 A. That was off to the side in the
 8 polishing operation somewhere over here I would say.

9 Q. So you just put a little "O" there, want
 10 to put maybe "vapor"?

11 A. "V".

12 Q. Or "V" is fine.

13 A. "V".

14 Q. Now, do you recall whether there were
 15 any large tanks or storage vessels in the facility?

16 A. No. Oh, there was a tank that was used
 17 to chemically treat and then dispose of certain
 18 wastes.

19 Q. Okay. Do you remember what wastes went
 20 into that tank?

21 A. No, I don't.

22 Q. Do you recall where it would be in the
 23 facility?

24 A. It was in this area over here. Why
 25 don't I just "CD", chemical disposal.

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1 company?

2 MR. CHAWAGA: I'm sorry, before you
 3 answer it, just so that the record is clear, now
 4 you're talking about the sale by Len and Len to
 5 Mr. Stefanowicz' group?

6 MR. DAVIES: Yes.

7 MR. CHAWAGA: Sorry. Go ahead.

8 THE WITNESS: How long we discussed it?

9 BY MR. DAVIES:

10 Q. Yeah, I'm just trying to get an idea
 11 whether it took months and months or whether it was a
 12 very quick process?

13 A. Well, I think it took months. It didn't
 14 take months and months and it didn't take weeks, it
 15 took some months.

16 Q. Did any environmental issues come up
 17 during the course of the negotiations?

18 A. No.

19 Q. Was there any testing done of the soil
 20 or groundwater?

21 A. At that point?

22 Q. Yes.

23 A. Not that I can recall.

24 Q. Was there any testing done?

25 A. I want to make sure I understand your

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1 Q. Whatever you like, that's fine.

2 A. Okay.

3 Q. Now, what am I missing, what other large
 4 apparatus did you have in the facility there that
 5 should go on the map?

6 A. The machines were rather small at that
 7 time, we really didn't have any large machines.

8 Q. Now, sort of going through time a little
 9 bit, is there anything that you added between the
 10 time you bought the company and the time you sold it
 11 that would be significant?

12 (Objection) MR. CHAWAGA: Object to the form of
 13 that question.

14 MR. DAVIES: I was thinking that
 15 myself.

16 BY MR. DAVIES:

17 Q. Just significant in terms of size, was
 18 there any large tank or production equipment that you
 19 added?

20 A. That we added?

21 Q. Yes.

22 A. Not that I can recall.

23 Q. Now, let's just talk for a couple
 24 minutes about the sale then. Do you remember how
 25 long you were negotiating over the sale of the

Page 33

1 question.

2 Q. Sure.

3 A. You're asking if any testing was done
 4 during the negotiations?

5 Q. Yes.

6 A. Not that I can recall.

7 Q. Now, prior to the negotiations --

8 A. Yes.

9 Q. -- was there any testing done?

10 A. Yes.

11 Q. And what kind of testing?

12 A. Well, there was testing done for TCE.

13 Do you want the whole -- well, tell me what you'd
 14 like to know.

15 Q. Yeah, I just want to know about why the
 16 test was done, what the results were?

17 A. Okay. TCE was found in the ground. And
 18 the township told us that we had to clean it.

19 Q. Okay.

20 A. And we did. That went over a period of
 21 many months, many, many months.

22 Q. Can you recall the year let's say?

23 A. Not exactly, but around '80. '80, '81,
 24 something like that.

25 Q. Okay.

9 (Pages 30 to 33)

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1 A. I think.
 2 Q. Now, what kind of cleanup, was it just
 3 soil, you tell me?
 4 A. What we had to do was to get rid of a
 5 couple of outside ceramic tanks. We had to get rid
 6 of one outside ceramic tank and we had to clean the
 7 soil.
 8 Q. Okay. Could you show on the map about
 9 where that was?
 10 A. It was in the back somewhere but I can't
 11 remember exactly where it was. And we had to get --
 12 dispose of that tank. And we had to clean the ground
 13 around it for the TCE, which we ultimately did and
 14 the township to make sure that everything was clean
 15 did something to their -- they had a well back here.
 16 Q. Okay, want to just put down "well" for
 17 the basic area?
 18 A. Somewhere in here.
 19 Q. Even if it's not perfect.
 20 A. Okay. And they did their thing and we
 21 did our thing and we received approval from all the
 22 powers that be, the state and this and that. So,
 23 yes, there was that testing that was done at that
 24 point. And now I must tell you that more TCE was
 25 found here in the ground than we could have ever

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1 put in that tank in the back.
 2 Q. So do you have any idea how TCE would
 3 end up there?
 4 A. I've been asked that question before.
 5 Q. I figured.
 6 A. And my answer is the same, I have no
 7 clue. Yet we did the cleanup.
 8 Q. Do you recall whether there were any
 9 other contaminants, chemicals?
 10 A. That was -- no. TCE was definitely the
 11 situation. There were no other chemicals found.
 12 Q. Do you still have --
 13 MR. CHAWAGA: Excuse me, I can't hear.
 14 THE WITNESS: Sorry, TCE was the only
 15 problem we had. There were no problems with any
 16 other chemicals.
 17 MR. CHAWAGA: Thanks.
 18 BY MR. DAVIES:
 19 Q. Do you still have any of those results
 20 of the testing from back in --
 21 A. I do not.
 22 Q. Do you know what you did with them after
 23 you got them?
 24 A. I mean after some period of time we
 25 probably threw them out. You know, we've had

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1 generated so we said this can't possibly be Merit.
 2 But we did the cleanup anyway.
 3 Q. Now, was the TCE just in the soil or was
 4 it also in the groundwater underneath?
 5 A. Both.
 6 Q. Okay.
 7 A. And that's why the testing was done and
 8 that's why the cleanup was done.
 9 Q. Now, was it your tank that was removed?
 10 A. Yes.
 11 Q. A porcelain tank?
 12 A. Yes. It was ceramic.
 13 Q. You just want to just write "tank" in
 14 sort of the general area where you think it was?
 15 A. "Tank".
 16 Q. Now, was that tank there when you
 17 purchased the company?
 18 A. Yes. Had to have been because it wasn't
 19 installed while we were there.
 20 Q. Just asking.
 21 A. Yeah.
 22 Q. What was kept in the tank?
 23 A. In the facility we had a device that
 24 tumbled the brass, would take off the burs and the
 25 sharp edges, the stone had rock from that device was

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1 situations in our house with the basement and -- I
 2 don't have any of that, probably got rid of it, it's
 3 over 20 years ago or 20 years ago and I don't have it
 4 anymore, but I don't remember exactly how we disposed
 5 of it.
 6 Q. So did the issue of the TCE come up at
 7 all during the negotiations for the sale of the
 8 company?
 9 A. Not that I can recall.
 10 Q. But you did decide to, I think you kept
 11 the -- you kept -- did you keep the land when you
 12 sold the company?
 13 A. Yes.
 14 Q. And you owned -- do you own it still?
 15 A. Yes.
 16 Q. Now, are there any other tanks,
 17 above-ground tanks around the facility or were there,
 18 I'm sorry, at the time that you owned it?
 19 A. Not to my recollection, no.
 20 Q. What about underground tanks, did you
 21 have any?
 22 A. Not to my recollection. Let me add one
 23 thing.
 24 Q. Sure.
 25 A. This vapor degreaser started by using

10 (Pages 34 to 37)

<p>1 TCE, we got rid of it after a while. It didn't use 2 up the TCE. It was a vapor degreaser. That means a 3 little bit of TCE was sprayed in and it would 4 evaporate. So there was no residual. And that is 5 why to me it is so inconceivable that any of that 6 could be found in our back, but it was and I don't 7 think other companies around were searched, 8 discussed. After a number of years, if I recall by 9 the time, by this time we were all approved and 10 everything, other entities were found with TCE. But 11 it was beyond the point that we were involved.</p> <p>12 MS. FLAX: I don't mean to interrupt, 13 but could the witness please speak up?</p> <p>14 THE WITNESS: Sorry. I'm sorry. Yes, 15 ma'am.</p> <p>16 MS. FLAX: Thank you.</p> <p>17 BY MR. DAVIES:</p> <p>18 Q. I would say we could take a break but 19 I'm pretty close to being finished.</p> <p>20 A. Can I get a little water?</p> <p>21 Q. Yes.</p> <p>22 MR. DAVIES: Let's just take a minute. 23 (Brief recess.)</p> <p>24 BY MR. DAVIES:</p> <p>25 Q. Could you just describe for me a little</p>	<p>Page 38</p> <p>1 A. No. Sorry. But it's probably some long 2 chemical name.</p> <p>3 Q. Do you recall, I guess right around the 4 time you purchased the company, the U.S. government 5 had sort of came out with this law RCRA, R-C-R-A, do 6 you recall having to do anything to comply with RCRA 7 requirements?</p> <p>8 A. I'm not very good at these letters and 9 legal. I know that we filed with the government 10 after everything that had been done and we got the 11 complete approval that everything was clean. Steve 12 knows that whole procedure.</p> <p>13 Q. And so did you keep those records?</p> <p>14 A. I don't have them. My guess is Steve 15 has them.</p> <p>16 THE WITNESS: I probably shouldn't 17 speak for you.</p> <p>18 MR. MIANO: There are records relating, 19 they did an Act II cleanup under Pennsylvania law and 20 received a final approval of that cleanup.</p> <p>21 MR. DAVIES: Is that the same cleanup, 22 the 1980, '81 cleanup?</p> <p>23 MR. MIANO: No, it's a different 24 cleanup.</p> <p>25 MR. DAVIES: Okay. Maybe we could talk</p>
<p>1 bit what the purpose is of using the TCE in the vapor 2 degreaser, what it does?</p> <p>3 A. When you machine and polish the product, 4 grease can get on it, polishing wheels are the 5 compound, they say degrease but really it's a 6 decompound. And the vapor would take off the 7 compound so that it could be, and I forget the word 8 you used, the final polish and make it very shiny. 9 That's what that did.</p> <p>10 Q. And where would you put the compound 11 that was degreased when you were done?</p> <p>12 A. The compound?</p> <p>13 Q. Well, I mean --</p> <p>14 A. You mean what would come off the --</p> <p>15 Q. Correct.</p> <p>16 A. I think it evaporated, it was sort of a 17 wax-type compound.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah, that's what I think happened.</p> <p>20 Q. What did you use after you stopped using 21 the TCE, what replaced the TCE?</p> <p>22 A. A -- we used a different chemical that 23 had been invented for this purpose which was totally 24 nontoxic and did the same thing.</p> <p>25 Q. Do you recall the name?</p>	<p>Page 39</p> <p>1 about getting that separately.</p> <p>2 MR. MIANO: It's a final Act II report.</p> <p>3 MR. DAVIES: Okay. That's all I have.</p> <p>4 THE WITNESS: Oh, okay.</p> <p>5 MR. DAVIES: Thank you very much.</p> <p>6 MR. MIANO: If we could take just a 7 minute.</p> <p>8 MR. DAVIES: Sure.</p> <p>9 (Brief recess.)</p> <p>10 MR. DAVIES: We were just off the 11 record and we discussed for a moment that during the 12 preparation for this deposition some records were 13 found by Mr. Miano and I had asked him to provide us 14 or he actually offered to provide them, so thank you 15 very much.</p> <p>16 Anyone else have anything?</p> <p>17 MS. FLAX: I have no questions.</p> <p>18 MR. CHAWAGA: I have some questions.</p> <p>19 (EXAMINATION OF MR. WOLBERG BY MR. CHAWAGA:)</p> <p>20 Q. It's my turn.</p> <p>21 Mr. Wolberg, let me ask you a little 22 bit about the nature of your acquisition of 23 Mr. Silverman's company.</p> <p>24 A. Yes.</p> <p>25 Q. Now, when you started to take a position</p>

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1 in the company as you were saying, what was the form
 2 of that, were you given or did you acquire stock in
 3 the company or was it some other arrangement, if you
 4 recall?

5 A. I don't recall. When I started I don't
 6 think we had stock in the company.

7 Q. Do you know how your interest in the
 8 company was recorded when --

9 A. I don't recall.

10 Q. Do you know whether prior to your
 11 obtaining an interest in the company, did Mr. -- was
 12 Mr. Silverman the sole owner of the company?

13 A. Don't know.

14 Q. Okay. At any time during your
 15 negotiations with him that ultimately led to you and
 16 Mr. Sayles purchasing the company, did you come to
 17 understand whether Mr. Silverman was the sole prior
 18 owner or not?

19 A. My recollection is as we went along in
 20 the years we dealt with other owners of the company,
 21 not just Mel Silverman.

22 Q. So there may have been more than one
 23 owner prior to you and Mr. Sayles?

24 A. Yeah, he was the only one who was there
 25 in the business, but there may have been.

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1 under a million at that point.

2 Q. Per year?

3 A. Can you hear me? Per year, yeah. A
 4 little under a million, I think.

5 Q. And do you recall that being fairly
 6 constant over the time period that you owned the
 7 company or were there changes in that number that you
 8 can recall now?

9 A. Over the years that we owned the
 10 company? It grew considerably.

11 Q. And so by the time you sold the company,
 12 what was the sales volume that you recall?

13 A. I'm -- I don't recall very well but I'm
 14 sort of going to give an educated guess of around
 15 three million.

16 Q. And did the plating operation, as a
 17 percentage of sales, did that remain about constant
 18 during the time period you owned the company or did
 19 that change?

20 A. I couldn't answer that question. I --
 21 thinking about it there would be no reason for there
 22 to be major changes. But I can't answer that
 23 question directly, I don't know.

24 Q. There's a suggestion in this case from
 25 the plaintiffs that Mr. Silverman acquired a tanker

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1 Q. Did you have an understanding one way or
 2 another about whether Mr. Silverman had a majority
 3 ownership in the company during the time period you
 4 were negotiating with him?

5 A. My guess is he had a vast majority
 6 ownership in the company.

7 Q. And when you acquired Mr. Silverman's
 8 company, do you recall whether it was by means of a
 9 purchase of his assets or a stock transaction or do
 10 you remember the form of the acquisition?

11 A. I do not, I really do not.

12 Q. And the documents related to that
 13 transaction, you don't know where they are at this
 14 point?

15 A. I don't have them. I know that.

16 Q. You talked about the plating operation
 17 as a percentage of sales during the time that you
 18 owned the company.

19 A. Um-hum.

20 Q. Speaking generally, do you recall
 21 approximately what volume of sales the company had
 22 during the time you owned it?

23 A. Well, again because we have looked at
 24 this situation over the last couple of months, I'm
 25 pretty sure that the sales were probably a little bit

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1 or a tank truck of approximately 4,000 gallons in
 2 volume that he installed or that was installed for
 3 him somewhere on the exterior of the Merit Metal
 4 site.

5 Do you have any recollection of such a,
 6 seeing such a tanker or evidence of such a tanker?

7 A. I have no recollection of it. And I
 8 said that before.

9 Q. Do you have any understanding as to what
 10 process or how it could have been that Mr. Silverman
 11 when he owned the company could have generated
 12 sufficient waste in, let's say, a year's time to fill
 13 a 4,000 gallon tanker?

14 A. We've discussed this with some of these
 15 same people and to me it's impossible. That's my
 16 opinion.

17 Q. But what is your opinion based on?

18 A. The amount of plating that we did.

19 Q. Well, how about other wastes, are you
 20 aware of any other waste stream that could have
 21 filled a tanker of that size --

22 A. No.

23 Q. -- in the years --

24 A. No.

25 MR. DAVIES: Can I interpose, are you

<p>1 talking about the time that he was there or the time 2 before he was there?</p> <p>3 MR. CHAWAGA: I'm asking for Mr. 4 Wolberg's personal knowledge as to whether there was 5 any waste streams sufficient to fill such a tanker in 6 a year's time based on either what he saw or what he 7 learned during his period of being at the site?</p> <p>8 THE WITNESS: Well, yeah, based upon 9 what I saw, if anything, the operation was smaller 10 before I got there and there's no way that this could 11 have happened at the time I was there, in my opinion.</p> <p>12 BY MR. CHAWAGA:</p> <p>13 Q. Now, you talked about this vapor 14 degreaser.</p> <p>15 A. Yes.</p> <p>16 Q. Do you have a recollection as to what 17 the approximate size of that degreaser was?</p> <p>18 A. (Indicating). That's how big it was.</p> <p>19 Q. All right. If I said about two feet by 20 two feet, would that be consistent with your 21 recollection?</p> <p>22 A. 18 inches by two-and-a-half -- yeah, 23 about two feet, yeah.</p> <p>24 Q. And that size, that size didn't change 25 during the period of time --</p>	<p>Page 46</p> <p>1 A. Circular tank. 2 Q. And diameter of three or four feet, 3 would that be fair to say? 4 A. Yes. 5 Q. And did that, size of that tank change 6 during the time? 7 A. No. 8 Q. Now, was that tank something that was in 9 place at the time you started to work for Mr. 10 Silverman or was that something that was installed at 11 a later time? 12 A. It was installed at a later time. 13 Q. Was it installed after you -- after Mr. 14 Silverman -- after you took over the company from Mr. 15 Silverman? 16 A. No, I believe that he installed that 17 tank. 18 Q. But it was after -- I'm sorry, go ahead. 19 A. Well, I was just going to say that he 20 installed it when the township said that he had to 21 stop putting whatever waste he came up with into the 22 sewer system and therefore had to treat it, which he 23 did with that tank and then it would be tested, by 24 that point it would be pure water and he would get 25 the approval to put that into the sewer system.</p>
<p>1 A. No.</p> <p>2 Q. -- you were familiar with that?</p> <p>3 A. No.</p> <p>4 Q. The tanks that held the plating 5 materials that you talked about were the two tanks, 6 what were the approximate size of those tanks, to 7 your recollection?</p> <p>8 A. About two-by-four.</p> <p>9 Q. Is that for each tank or for the two of 10 them together?</p> <p>11 A. Each.</p> <p>12 Q. And did that size change during the 13 period of time that you were --</p> <p>14 A. No.</p> <p>15 Q. -- familiar with those tanks?</p> <p>16 A. No.</p> <p>17 Q. You also mentioned the tank, I think you 18 put it on the little diagram there that was used to 19 chemically treat and dispose of certain wastes.</p> <p>20 A. Um-hum.</p> <p>21 Q. What was the size of that tank, if you 22 recall?</p> <p>23 A. Diameter about that size (indicating).</p> <p>24 Q. So it was a circular tank, is that your 25 recollection?</p>	<p>Page 47</p> <p>1 Q. You anticipated my next question, which 2 was, at the time you first started to work for Mr. 3 Silverman, tell me what your recollection is of how 4 he treated his various items of waste, to the extent 5 you can recall, or various streams of waste we've 6 been calling them.</p> <p>7 A. Treated them?</p> <p>8 Q. Let me --</p> <p>9 A. Yeah.</p> <p>10 Q. -- back up. Bad question.</p> <p>11 To the extent you recall, how did Mr. 12 Silverman dispose of waste at the time you first 13 started to work for him?</p> <p>14 A. He would let the waste go into the sewer 15 system.</p> <p>16 Q. As you've just described?</p> <p>17 A. Yes.</p> <p>18 Q. And then eventually he came to treat 19 that same waste --</p> <p>20 A. Right.</p> <p>21 Q. -- in the tank and then --</p> <p>22 A. Right.</p> <p>23 Q. -- the residue went into the sewer 24 system?</p> <p>25 A. Exactly.</p>

13 (Pages 46 to 49)

<p>1 Q. Did that leave some material in the tank 2 that had to be disposed of by some other means? 3 A. Not that I can recall. 4 Q. Apart from that method of waste disposal 5 you've just described, were there any other waste 6 products that you can recall that Mr. Silverman 7 stored in some sort of drum or tank or something for 8 later disposal? 9 A. Not that I can recall. 10 Q. Do you recall Mr. Silverman engaging 11 anyone to transport any wastes off of the site? 12 A. No. 13 Q. Have you -- I can't really ask this 14 question in the abstract because -- but prior to 15 becoming familiar with this litigation that we're 16 sitting in now, involved in -- well, let me just ask, 17 I'll just ask it, at the time you were working for 18 Mr. Silverman, did you ever come to hear of a company 19 or a facility known as Boarhead Farm? 20 A. I did not. 21 Q. During the time you worked for Mr. 22 Silverman, did you ever come to hear of a company 23 called -- or come to hear of a gentleman named 24 Manfred DeRewal? 25 A. At that time?</p>	<p>Page 50</p> <p>1 date of 1966. Do you see that? 2 A. Yes. 3 Q. Now, of course, 1966 was well prior to 4 any involvement you had with this facility, is that 5 fair to say? 6 A. Yes. 7 Q. Now that you've had a chance to orient 8 yourself about this facility, about what this 9 schematic shows right here -- 10 A. Right. 11 Q. -- can you tell me, ignoring the 12 handwritten letters which appear to be added at some 13 other time, can you tell me whether this floor plan 14 is an accurate portrayal of the floor plan of the 15 facility at the time you were working for Mr. 16 Silverman? 17 A. Wow. In my recollection, yes. You're 18 talking well over 20 years ago. But in my 19 recollection, this is approximately correct. 20 Q. Okay. And do you recall during the time 21 that you were one of the owners of the company, do 22 you recall making any changes to the floor plan, to 23 the walls or the dimensions of anything you see here? 24 A. No. 25 Q. After you and Mr. Sayles acquired the</p>
<p>1 Q. Yes. 2 A. No. 3 Q. Or any other person with the surname 4 DeRewal? 5 A. No. Only much later when we started 6 discussing this. 7 Q. During the time period you owned the 8 company, did you ever hear of a facility known as 9 Boarhead Farm? 10 A. No. 11 Q. Did you ever hear of a gentleman named 12 Manfred DeRewal or anyone else named DeRewal? 13 A. No, not while we owned the company. 14 Q. Other than in connection with this 15 litigation, have you ever heard of either Boarhead 16 Farm -- 17 A. No. 18 Q. -- or Manfred DeRewal? 19 A. No. 20 Q. We looked at the schematics here which 21 we didn't mark, and we'll decide whether we will mark 22 this or not, just I'll call your attention to the 23 lower right corner of this schematic drawing that 24 Mr. Stefanowicz had supplied and you'll see 25 referenced it says floor plan on it and references a</p>	<p>Page 51</p> <p>1 company from Mr. Silverman, did Mr. Silverman retain 2 any ownership interest in the company? 3 A. Oh, yes. 4 Q. Can you describe how that was relative 5 to your ownership interest? 6 A. It was he kept the majority for years. 7 Q. All right. Let me -- let's back up 8 here. 9 When you started to acquire an interest 10 in about 1978, Mr. Silverman was still the majority 11 owner, to your understanding; is that right? 12 A. Yes. 13 Q. I meant at some point thereafter you and 14 Mr. Sayles became the majority owners; is that right? 15 A. Um-hum. Yes. 16 Q. When you became the majority owners, did 17 Mr. Silverman retain a minority interest in the 18 company at all or was he out completely, that's 19 really what I'm getting at, if you can recall? 20 A. I do not remember the answer to that 21 question. 22 Q. Did Mr. Silverman after that point that 23 you and Mr. Sayles acquired the company, did Mr. 24 Silverman stay on and do any work for the company by 25 way of consulting or as an employee or anything of</p>

<p>1 that sort?</p> <p>2 A. Sales representative.</p> <p>3 Q. In that capacity was -- was he calling</p> <p>4 on customers that he had previously called on when he</p> <p>5 was the owner, to your knowledge?</p> <p>6 A. I don't remember which customers he</p> <p>7 called on.</p> <p>8 Q. I guess let me ask it this way, see if</p> <p>9 you know. Was his job during that point to try to</p> <p>10 drum up new business for you or to remain in touch</p> <p>11 with customers that the company had previously had or</p> <p>12 a little of both?</p> <p>13 A. I don't remember to what degree.</p> <p>14 Q. All right. Was he on a -- do you recall</p> <p>15 how he was compensated for being a sales</p> <p>16 representative during that period?</p> <p>17 A. By the amount of business he generated.</p> <p>18 Q. On a commission basis, in other words?</p> <p>19 A. I forget what the term is. He was</p> <p>20 definitely not associated with the company or</p> <p>21 employed. He was a separate operation and he was</p> <p>22 paid, I don't know what the proper word is to say how</p> <p>23 he was paid, but he was paid by the amount of</p> <p>24 business that he did with the customer, yeah,</p> <p>25 percentage.</p>	<p>Page 54</p> <p>1 A. Could you repeat that question?</p> <p>2 Q. Yeah, let me try to simplify it.</p> <p>3 Do you recall the size or the nature of</p> <p>4 the plating operation changing from the time that you</p> <p>5 first worked for, you know, first worked for Mr.</p> <p>6 Silverman to the time period when you were an owner?</p> <p>7 A. Got you. I do not remember. Let me put</p> <p>8 it this way, I'm pretty sure it did not change</p> <p>9 because there were no active changes made in the</p> <p>10 business. So I would say it did not change.</p> <p>11 Q. You discussed with Mr. Davies a little</p> <p>12 earlier the markets for the Merit Metal products,</p> <p>13 including marine and decoratives and governmental</p> <p>14 stuff, did your -- did the markets for those products</p> <p>15 change between the time you were working for Mr.</p> <p>16 Silverman and the time that you owned the company?</p> <p>17 A. Not that I'm aware of, no. About the</p> <p>18 same.</p> <p>19 Q. Did you -- my question is, did you</p> <p>20 target, say, the decorative market more or the marine</p> <p>21 market more or anything of that nature that you</p> <p>22 recall?</p> <p>23 A. Into maybe seven or eight years that we</p> <p>24 were there we targeted a new marketing program in the</p> <p>25 decorative business. But at the time period you're</p>
<p>1 Q. And so was -- he was not paid a salary</p> <p>2 by the company --</p> <p>3 A. No.</p> <p>4 Q. -- is that fair to say? Okay.</p> <p>5 A. And that was for some period of time.</p> <p>6 And I can't remember how many months or what have you</p> <p>7 that was for.</p> <p>8 Q. Mr. Silverman is now deceased; is that</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And do you recall when he died?</p> <p>12 A. All I can tell you is it's been years.</p> <p>13 And I don't remember how many.</p> <p>14 Q. Let me ask you this, do you recall</p> <p>15 whether he died -- whether you were still an owner of</p> <p>16 the company at the time he passed away or was it</p> <p>17 after that?</p> <p>18 A. I can't remember the timing.</p> <p>19 Q. Now, without going over it again, you</p> <p>20 talked some as to the amount of plating business that</p> <p>21 the company did and its percent relative to sales</p> <p>22 when you were one of the owners. Do you recall</p> <p>23 whether that percentage was the same or different</p> <p>24 from what it was during the years you worked for Mr.</p> <p>25 Silverman but before you became an owner?</p>	<p>Page 55</p> <p>1 talking about, no.</p> <p>2 Q. Were those among the markets, were</p> <p>3 those -- sorry, strike that.</p> <p>4 Were those the markets that Mr.</p> <p>5 Silverman had targeted?</p> <p>6 A. Yes.</p> <p>7 Q. And those continue to be the markets</p> <p>8 that --</p> <p>9 A. Yes.</p> <p>10 Q. -- you targeted?</p> <p>11 A. Yes. Jumping around with the questions.</p> <p>12 Q. You talked with Mr. Davies a little bit</p> <p>13 about TCE on the site, do you recall that being a</p> <p>14 problem -- strike that.</p> <p>15 Do you recall that being something Mr.</p> <p>16 Silverman had to deal with before you became the</p> <p>17 owners?</p> <p>18 A. Not that I'm aware of but I'm not a</p> <p>19 hundred percent sure of everything he had to deal</p> <p>20 with. But it wasn't even mentioned.</p> <p>21 Q. Right. Okay, that's all I wanted to</p> <p>22 know.</p> <p>23 A. Yeah.</p> <p>24 Q. In your experience it was not something</p> <p>25 that come up before it came up under your watch, so</p>

15 (Pages 54 to 57)

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1 to speak?
 2 A. Right.
 3 MR. CHAWAGA: Excuse me one second.
 4 Anything else?
 5 MR. STEFANOWICZ: Excuse me, how many
 6 employees worked in the large plating operation that
 7 he had?
 8 BY MR. CHAWAGA:
 9 Q. Back on the record here or maybe we're
 10 already on the record.
 11 A. Sure.
 12 Q. Mr. Wolberg, how many employees were
 13 working in the plating operation?
 14 A. One-half.
 15 Q. Were working in the plating?
 16 A. That's my best estimate. One-half
 17 person.
 18 Q. One person half time --
 19 A. Correct.
 20 Q. -- in other words?
 21 And is that during the period that you
 22 were an owner?
 23 A. Well, now I thought we were talking
 24 about the early years.
 25 Q. We were.

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1 MR. FACKENTHAL: Okay.
 2 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES):
 3 Q. Let me just do one or two quick things,
 4 I didn't before mark this. If we could maybe mark
 5 this as LW-1. We'll get a little sticky for that.
 6 Just had one or two quick questions
 7 about the CD, I guess it's the apparatus that you
 8 described as chemical disposal.
 9 A. Um-hum.
 10 Q. I think you indicated its diameter was
 11 about your wing span, give or take. Do you recall
 12 about how often that was emptied?
 13 A. Once or twice. I'm going to say once a
 14 year.
 15 Q. And do you recall about how tall it was?
 16 A. It sat on a pedestal and I'm going to
 17 say about four feet.
 18 Q. Four feet tall?
 19 A. Now, I must tell you, although you
 20 didn't ask, it never came anywhere close to full. It
 21 was (indicating), had a little bit of stuff in it.
 22 Q. And was that the same -- it was a
 23 liquid, I assume?
 24 A. Yes.
 25 Q. And was that the same material that was

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1 A. Yes, yes.
 2 Q. That was a different question.
 3 Did that stay the same during the --
 4 A. Yes.
 5 Q. -- period that you were an owner or did
 6 it change?
 7 A. No, it stayed around the same.
 8 MR. CHAWAGA: That's all I have. Thank
 9 you very much.
 10 (EXAMINATION OF MR. WOLBERG BY MR. FACKENTHAL):
 11 Q. I have just one question, maybe one
 12 question.
 13 During the time that you were employed
 14 there and during the time that you owned the company,
 15 was any product at all delivered to the site by a
 16 tanker truck?
 17 A. No.
 18 Q. And did you ever see a tanker truck on
 19 the site --
 20 A. No.
 21 Q. -- during the time that you worked
 22 there?
 23 A. No.
 24 Q. Or during the time that you owned it?
 25 A. No, I did not.

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1 being disposed of down the drain prior to --
 2 A. Yes.
 3 Q. Do you recall about when that was
 4 purchased, the CD?
 5 A. Early '80s. Late '70s, early '80s.
 6 Best I can do.
 7 MR. CHAWAGA: I'm sorry, you said do
 8 you recall when that was purchased and then you said
 9 something.
 10 MR. DAVIES: The CD, the chemical.
 11 THE WITNESS: We called it CD.
 12 MR. CHAWAGA: Okay. Sorry.
 13 MR. DAVIES: That's all I have.
 14 MR. MIANO: I'd like to ask a follow
 15 up.
 16 MR. DAVIES: Sure.
 17 (EXAMINATION OF MR. WOLBERG BY MR. MIANO):
 18 Q. When that tank was emptied, where did
 19 the waste material go? In other words, the tank you
 20 said was used for treating the waste, where did that
 21 waste material go after it was --
 22 A. The sludge?
 23 Q. Whatever was in there.
 24 A. I don't know. We probably put it in a
 25 drum and had the drum taken.

16 (Pages 58 to 61)

<p>1 Q. But the liquid part, would that have 2 gone down the drain or would -- 3 A. Yes. 4 Q. -- that have gone to the sewage system? 5 A. Yes, yes. 6 Q. Okay. 7 (EXAMINATION OF MR. WOLBERG BY MR. DAVIES): 8 Q. That's what I didn't understand before, 9 when you answered before that once a year it was 10 drained, let's say, are you talking about the sludge 11 that was removed once a year or the liquid? 12 A. The liquid, the treatment would be 13 approximately once a year. And that would go down 14 the drain. Now, I don't remember what happened at 15 that point but if there was some sludge that probably 16 would have been put in a drum. And then the drum 17 after X number of years may get moved. 18 Q. Do you recall if your facility had to 19 keep track of the amount of waste? 20 A. We had signatures out the gazoo. 21 MR. DAVIES: Did you want to put that 22 on? 23 MR. CHAWAGA: I don't want -- we have 24 to have an issue about that. 25 MR. MIANO: About what?</p>	<p>Page 62</p> <p>1 MR. CHAWAGA: That's what I'm just 2 reading the -- 3 MR. MIANO: 7/22/66. 4 THE WITNESS: What year did he actually 5 move to Pennsylvania? 6 MR. DAVIES: Well, I have no further 7 questions. Does anyone else have anything? 8 (EXAMINATION OF MR. WOLBERG BY MR. FACKENTHAL): 9 Q. What about the waste oil, how was that 10 disposed of? 11 A. You mean the machining oil? 12 Q. Yes. 13 A. He asked me that before. 14 Q. Sorry, I missed that. 15 A. I think that was just reused over and 16 over. All it was was, you know, a light oil. 17 Q. Pardon? 18 A. A light oil. I think -- if it were 19 disposed, I don't remember. 20 MR. FACKENTHAL: Okay. 21 MR. DAVIES: Thanks. 22 THE WITNESS: Okay. 23 MR. MIANO: We done? 24 MR. DAVIES: We're done. 25 (Exhibit LW-1, Diagram, marked for I.D.)</p>
<p>1 MR. CHAWAGA: About just getting a copy 2 of the schematic. You want to -- 3 MR. STEFANOWICZ: It's the only one I 4 have. You can make a copy of it. Can we make a 5 copy? I tried to make a copy last night but Kinkos 6 was out of whack, they didn't work. 7 MR. CHAWAGA: So, yeah, I'm happy to 8 make, probably should make since we referred to it -- 9 MR. DAVIES: Right. 10 MR. CHAWAGA: -- make it an exhibit. 11 The only question of getting a copy of it. 12 MR. DAVIES: I mean I could certainly 13 make a copy of it and send it to you. I don't know 14 if I could get a copy made in the next two hours. 15 Although are you going to be here for the next 16 deposition as well? 17 MR. STEFANOWICZ: I expect to be, yes. 18 MR. DAVIES: I mean I bet by the end of 19 the day we could get it back. 20 MR. CHAWAGA: That's fine, if you could 21 do that, that would be great. That would be the 22 easiest. If not, I mean we can certainly do it. 23 MR. DAVIES: All right, why don't we 24 just mark that LW-2, the schematic. And that's from 25 1966?</p>	<p>Page 63</p> <p>1 (Exhibit LW-2, Schematic, marked for I.D.) 2 (Witness excused.) 3 (Testimony concluded.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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1 **C E R T I F I C A T E**

2 I, Cynthia A. Cormaney, a Notary Public and
3 Certified Shorthand Reporter of the State of New
4 Jersey and a Commissioner of Deeds of the State of
5 Pennsylvania, do hereby certify that prior to
6 the commencement of the examination,

7 **LEONARD WOLBERG**

8 was duly sworn by me to testify to the truth,
9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is
11 a true and accurate transcript of the testimony
12 as taken stenographically by and before me at the
13 time, place and on the date hereinbefore set forth.

14 I do further certify that I am neither a
15 relative nor employee nor attorney nor counsel of any
16 of the parties to this action, and that I am neither
17 a relative nor employee of such attorney or counsel
18 and that I am not financially interested in this
19 action.

20

21

22 Cynthia A. Cormaney, C.S.R.
23 Notary Public, State of New Jersey
24 My Commission Expires July 24, 2006
25 Certificate No. XI01116
 Date: December 6, 2004

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1 **E X H I B I T S**

2 **EXHIBITS RETAINED BY COUNSEL - NOT ATTACHED**
3 **EXHIBIT INDEX**

4 (Exhibit LW-1, Diagram, marked for I.D.)..... 64:25
5 (Exhibit LW-2, Schematic, marked for I.D.)..... 65:1

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18 (Pages 66 to 67)

C E R T I F I C A T E

I, Cynthia A. Cormaney, a Notary Public
and Certified Shorthand Reporter of the State
of New Jersey and a Commissioner of Deeds of
the State of Pennsylvania, do hereby certify
that the foregoing is a true and accurate
transcript of the testimony as taken
stenographically by and before me at the time,
place and on the date hereinbefore set forth.

10 I do further certify that I am neither a
11 relative nor employee nor attorney nor counsel
12 of any of the parties to this action, and that
13 I am neither a relative nor employee of such
14 attorney or counsel and that I am not
15 financially interested in this action.

Cynthia A. Cormaney
Cynthia A. Cormaney, C.S.R.
Notary Public, State of New Jersey
My Commission Expires July 24, 2006
Certificate No. XI01116